



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Mother Lode Field Office
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Weed control, including the use of herbicides, to control noxious weeds in the Telegraph Fire area (new herbicide application method) (CA-180-11-29)

Finding of No Significant Impact April 2011

It is my determination that this decision will not result in significant impacts to the quality of the human environment. Anticipated impacts are within the range of impacts addressed by the Sierra Resource Management Plan (RMP). Thus, the proposed action does not constitute a major federal action having a significant effect on the human environment; therefore, an environmental impact statement (EIS) is not necessary and will not be prepared. This conclusion is based on my consideration of CEQ's following criteria for significance (40 CFR §1508.27), regarding the context and intensity of the impacts described in the EA and based on my understanding of the project:

1) Impacts can be both beneficial and adverse and a significant effect may exist regardless of the perceived balance of effects. Temporary traffic delays on the Merced River Road, which provides access to the Merced River Campgrounds. Some damage would occur to non-target native species because Glyphosate is a non-selective herbicide. There would be no impacts to the BLM sensitive species *Mariposa clarkia*. These impacts are analyzed in EA CA-180-09-31.

2) The degree of the impact on public health or safety. No aspects of the proposed action have been identified as having the potential to significantly and adversely impact public health or safety. Water quality would not be affected, as is discussed previously in EA CA-180-09-31.

3) Unique characteristics of the geographic area. The project area is located within the Merced Wild and Scenic River corridor and Merced River ACEC. This area has unique characteristics. The proposed action is consistent with the management of this area and will help preserve the unique characteristics including riparian and scenic values as well as the ACEC values, as discussed in EA CA-180-09-31.

4) The degree to which the effects on the quality of the human environment are likely to be highly controversial effects. No anticipated effects have been identified that are scientifically controversial. As a factor for determining within the meaning of 40 C.F.R. § 1508.27(b)(4) whether or not to prepare a detailed environmental impact statement, "controversy" is not equated with "the existence of opposition to a use." *Northwest Environmental Defense Center v. Bonneville Power Administration*, 117 F.3d 1520, 1536 (9th Cir. 1997). "The term 'highly controversial' refers to instances in which 'a substantial dispute exists as to the size, nature, or effect of the major federal action rather than the mere existence of opposition to a use.'" *Hells Canyon Preservation Council v. Jacoby*, 9 F.Supp.2d 1216, 1242 (D. Or. 1998).

5) The degree to which the possible effects on the human environment are likely to be highly uncertain or involve unique or unknown risks. The analysis does not show that the proposed action would involve any unique or unknown risks.

6) *The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.* The proposed action is not precedent setting.

7) *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.* No significant site specific or cumulative impacts have been identified. The proposed action is consistent with the Sierra RMP.

8) *The degree to which the action may adversely affect National Historic Register listed or eligible to be listed sites or may cause loss or destruction of significant scientific, cultural or historical resources.* The proposed action would not adversely affect cultural resources listed on or eligible for the National Register of Historic Places.

9) *The degree to which the action may adversely affect ESA listed species or critical habitat.* There are no ESA listed species or critical habitat within the project area. A BLM sensitive species, Maiposa Clarkia, is present within the project area and will be avoided during treatment as directed in EA CA-180-09-31. Limestone Salamanders exist in the project area but the project area (which has not changed) is not considered good habitat and therefore this special status species will not be affected.

10) *Whether the action threatens a violation of environmental protection law or requirements.* There is no indication that the proposed action will result in actions that will threaten such a violation.

William S. Haigh
Field Manager,
Mother Lode Field Office

Date



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Determination of NEPA Adequacy (DNA)

NEPA Number: CA-180-11-29

Proposed Action: Weed control, including the use of herbicides, to control noxious weeds in the Telegraph Fire area (new herbicide application method)

Location: BLM-administered land within T 3 S, R 17 E, T 4 S, R 17 E, T 3 S, R 18 E, T 4 S, R 18 E, Mariposa County

A. Description of the Proposed Action and any applicable mitigation measures

In 2009 the Bureau of Land Management's Mother Lode Field Office (BLM) prepared EA CA-180-09-31 to authorize the use of an herbicide to control noxious weeds on BLM-administered lands burned by the 2008 Telegraph Fire. Control of noxious weeds including herbicide use was authorized in this area from 2009 through 2012. Presently, the BLM proposes a new herbicide application method not specifically analyzed in EA CA-180-09-31. The newly proposed application method is more efficient; the work would get done faster and with less cost to the BLM. Of note, the type of herbicide chemical to be used, the area of potential effects, and the potential environmental impacts analyzed under EA CA-180-09-31 would all remain the same. A Determination of NEPA Adequacy (DNA) is appropriate in this case. The details of the new application method are as follows.

Instead of using a backpack sprayer, the BLM would allow herbicide to be applied by an interagency/National Park Service (NPS) crew using a truck-mounted system. It is a simple 100 gallon tank mounted on a 1-ton pick-up truck with a pump. The pump forces the herbicide into two 600-foot long hoses that connect to hand wands. The hoses are narrow diameter and high pressure so that they can be both lighter weight and have enough pressure to reach far up the hill. Each hose has only one hand wand that the operator activates as he/she walks the treatment area. In general, it is like having a backpack sprayer that holds 100 gallons of herbicide. It does have more pressure than a typical backpack sprayer. There is no "boom" on the truck.

The BLM proposes to use this truck to treat the Yellow Star Thistle (YST) and Italian Thistle along the Merced River Road from Briceburg to the Mountain King Mine/End of the drivable road. We plan to use only Glyphosate as the active ingredient as per the EA CA-180-09-31. No herbicide will be applied within 25 feet of a water source (creek or river). A BLM sensitive species, Mariposa clarkia, occurs along the campground road, within the project area. The occurrences have been mapped in GIS and they would be avoided, per EA CA-180-09-31.

Martin Hutten, NPS Botanist and Vegetation and Ecological Restoration specialist, has agreed to offer this tool to help fight these weeds that threaten the BLM, Forest Service, and NPS resources in the Merced River corridor. He can only offer these few days because the truck and crews are otherwise in use up on the Park and/or Forest lands around El Portal. The truck would come with a minimum of three Park employee/operators: 1 GS-7, 1 GS-6, and subsequent GS-5(s). BLM would have to supply additional support staff to manage traffic and hoses, etc. The NPS crew would likely come on overtime as they will have worked their regular time up stream.

The new method of application would be authorized for use on BLM-administered land during 2011 and 2012 when the original herbicide authorization under EA CA-180-09-31 expires. An interagency agreement would be needed to transfer the funds and set up proper relationship. Even if there may be another way to transfer funds within FBMS, it will be to our benefit over the long term to have an interagency agreement established. The BLM will likely want to continue this relationship with the Park over coming years. The NPS has the resources in terms of equipment and staffing to help fight the weed battle in the Merced River corridor, whereas BLM would have great difficulty finding the equipment and labor to meet our weed control goals. For weed treatment after 2012, the BLM would authorize herbicide use, using the interagency NPS team, under a new EA.

The NPS would also need our GIS weed data for this area so they can plan the treatment. The request the actual shape files so they can pre-load the data onto their handheld GPS units for use in the field.

B. Land Use Plan (LUP) Conformance

LUP Name* Date Approved : Sierra RMP (February 2008)

Other document Date Approved: Merced Wild and Scenic River Management Plan (March 1991)

** List applicable LUPs (for example, resource management plans; activity, project, management, or program plans; or applicable amendments thereto)*

The proposed action is in conformance with the Sierra Resource Management Plan's Record of Decision (section 2.4). The proposed action is in conformance with the Sierra RMP because it is clearly consistent with Sierra RMP's decisions (objectives, terms, and conditions). Specifically, the Sierra RMP gives the BLM the following objectives: manage vegetation (including invasive species removal) to improve habitat conditions for particular wildlife species. Control invasive species and increase native plant species using early detection, rapid response, and prevention measures. The Sierra RMP also gives the BLM the following management action: prevent, eliminate, and/or control undesired non-native vegetation or other invasive species using an Integrated Pest Management approach that combines biological, cultural, physical, and *chemical* tools to minimize economic, health, and environmental risks (emphasis added).

The proposed action is also in conformance with the Merced Wild and Scenic River Management Plan. The proposed action is in conformance with this plan because it is clearly consistent with the specific area objectives on page 5 including objective A and B which mandate preservation of the viewshed and riparian habitat. Weed control, as proposed, would definitely help preserve the viewshed and riparian habitat.

C. Identify applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.

EA # CA-180-09-31: Weed control, including the use of herbicides, to control noxious weeds in the Telegraph Fire area

D. NEPA Adequacy Criteria

1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?

The new proposed action is essentially the same as the proposed action under EA CA-180-09-31 and its associated FONSI and DR. The project area would not change and the type of chemical herbicide to be used would not change. Only the proposed application method would change. The herbicide would now be applied using a truck mounted system. This method is more efficient: the project area could be treated more quickly and with less cost to the BLM. The anticipated environmental impacts would be the same as those discussed in EA CA-180-09-31. The same measures proposed in this EA to protect BLM sensitive species that occur within the project area would be followed. Again, the only change proposed is the use of a truck mounted system rather than a backpack sprayer.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values?

The range of alternatives in EA CA-180-09-31 would remain the same.

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?

The existing analysis is valid. There have been no changes in policy or other circumstances that would affect the analysis. One special status species, Mariposa clarkia, occurs within the project area and would be avoided during herbicide application, per EA CA-180-09-31. This would occur regardless of the application method.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

The direct, indirect, and cumulative effects of the new application method are the essentially the same as those analyzed in EA CA-180-09-31. Use of the truck mounted system would allow the treatment to be conducted faster. Impacts to members of the public using the campground road would be different than the impacts resulting from the use of the backpack sprayer. However, these impacts are negligible. In both cases, the potential inconvenience to public land users would not differ substantially. Under the new application, there would be temporary traffic

delays on the Merced River Road, which provides access to BLM's Merced River campgrounds. The delays would be very short in duration.

5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

This DNA and the associated FONSI will be available for a 15-day public review on the BLM's NEPA webpage.

E. Persons/Agencies /BLM Staff Consulted

David Greenwood, BLM outdoor recreation planner

James Barnes, BLM archaeologist

Lauren Fety, BLM biological technician

Peggy Cranston, BLM wildlife biologist

Refer to the EA CA-180-09-31 for a complete list of the team members participating in the preparation of the original environmental analysis or planning documents.

Conclusion

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of the NEPA.

<i>/s/ Lauren Fety</i>	<i>3/25/11</i>
Project Lead/Botanist	Date
<i>/s/ Peggy Cranston</i>	<i>3/29/11</i>
Wildlife biologist	Date
<i>/s/ Jeff Horn</i>	<i>1/4/11</i>
Outdoor Recreation Planner	Date
<i>/s/ James Barnes</i>	<i>4/4/11</i>
NEPA coordinator/archaeologist	Date
<i>/s/ William Haigh</i>	<i>4/4/11</i>
Field Manager	Date